

REMARKS

Status

Claims 1-53 are currently pending in the application. The present amendment cancels claims 3 and 51, and does not add any new claims. Accordingly, it is claims 1-2, 4-50, and 52-53, as currently amended, which are at issue.

The Rejection

Claims 1, 2, 5, 6, 8, 11-20, 22-26, 28, 30-37, 44, 45, 47 and 48 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miele (DE 197 18 027). Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miele.

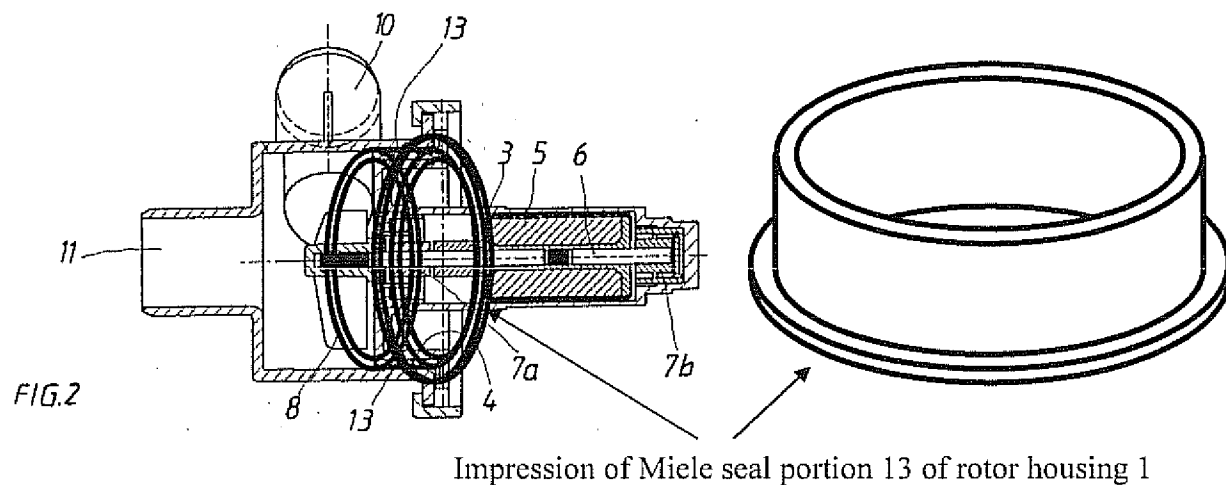
Claims 3, 4, 7, 9, 10, 21, 29, 38-43 and 46 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks Directed to the Rejection of Claims 1, 2, 5, 6, 8, 11-20, 22-26, 28, 30-37, 44, 45, 47 and 48 under 35 U.S.C. §102(b)

Independent claims 1, 36, 44 and 47 have been amended to include the element of claim 3. Accordingly, and per the Office Action, Applicant submits that independent claims 1, 36, 44 and 47, and all claims depending thereon, are now in allowable form. In addition, independent claim 50 has been amended to include the element of claim 51, and as such Applicant submits that independent claim 50 and dependent claims 52 and 53 are in allowable form. Therefore, Applicant requests that the rejection of the claims be withdrawn and the application be moved towards allowance.

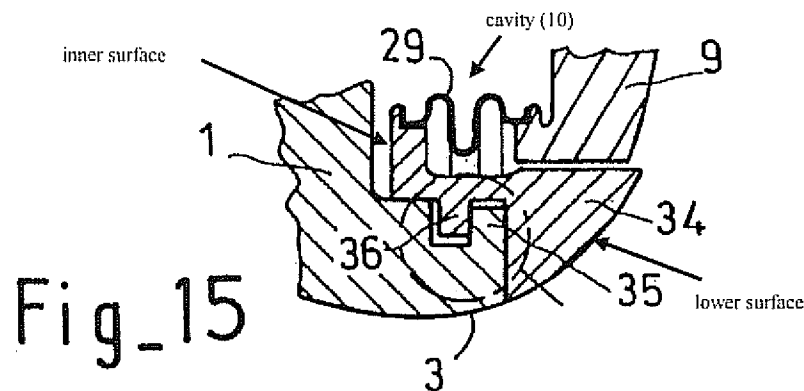
In addition to the above, Applicant would like to provide the additional comments for the record.

Regarding claims 1-49, the Office Action mailed May 10, 2011 clarified the rejection of the claims in that the cylindrical portion of the Miele seal (13) was considered to be a plate as it is “flat and thin within a circumferential plane”. However, the selected reference dictionary (www.merriam-webster.com) for a “circumferential plane” would appear to be an oxymoron since a plane is defined as a “flat or level surface”. As such, it appears that the ability to make a cylinder using a plate material has been confused with a cylinder being a plate (although the Miele seal is integrally moulded in any case).

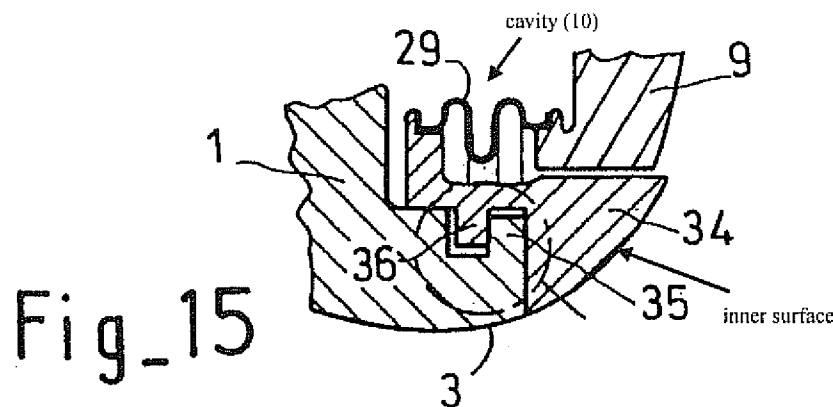


Furthermore, the Office Action indicated that the end shield (4) of Miele is an insert, inserted into the main body (3) of Miele. However, Applicant respectfully asserts that the end shield (4) and the main body (3) are integral parts of the same component of the rotor housing (1) as clearly visible in Figure 2. Accordingly, the main body (3) of the rotor housing (1) does **not** “largely encircle[s] and surround[s] the end shield (4)” as the Office Action has asserted. Likewise, the end shield (4) is **not** “inserted into the main body (3)”, contrary to the Examiner’s assertions.

Regarding claims 50-53, the Office Action has maintained the rejection of the claims as being anticipated by US 5,427,498 (Lehe) in which the curved surface of the additional part (34) opposite the bellows (29) has an inner surface as illustrated below:



However, the Office Action appears to contradict the previous indication that the inner surface of the additional part (34) should not be confused with the lower surface as shown in Figures 15 and 16. Accordingly, the Office Action appears to be interpreting the additional part (34) of Lehe as follows:



It is noted that where the Office Action asserts that the passage that Applicant previously cited in Lehe in column 13, lines 11 to 13, “relates to the embodiment of Fig. 12 and not the applied embodiment of Fig. 15”; Lehe clearly states in column 13 that “Figs. 15 and 16 show an

implementation detail applicable to the embodiments of Figs. 12 and 14". Accordingly, the cited passage is relevant to Figure 15.

Where the Office Action has "noted Fig. 2" in the rejection of claim 51, it is noted that Figure 2 shows a different embodiment from those of Figures 5 to 7, 12, 14, 15 or 16 (see column 6, line 29, to column 7, line 8). Accordingly, Applicant respectfully submits that the features of Figures 15 and 16 (used in his rejection of claim 50) have been incorrectly combined with the features of Figure 2 in the rejection of dependent claim 51. For example, there is no indication in Lehe that the part (17) of Figure 2 is adapted to be coupled by an inter-engaging profiled coupling arrangement as specified in claim 50 of the present application.

It is further noted that the Office Action asserts in the rejection of claim 52 that the bellows (29) of Lehe is a pump casing closure plate; however, claim 52 was not previously amended to recite "plate" instead of "element". Nonetheless, the Office Action fails to provide any justification for the interpretation of the bellows (29) of Lehe as a plate.

Conclusion

Based on the above amendments and remarks, Applicant submits that claims 1, 2, 4-50 and 52-53 are in allowable form and thus request that the application be moved towards allowance. Any changes, amendments, and the like that the Examiner may have which would place the application in a better condition of allowance should be directed to the undersigned attorney.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

Dated:

Respectfully submitted,

11/9/2011

By Mark A. Harper
Mark A. Harper, Ph.D.

Registration No.: 60,248
GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021
Troy, Michigan 48007-7021
(248) 647-6000
(248) 647-5210 (Fax)
Attorney for Applicant